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Paper No. 8

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MAR 17 2003

In re Application of :
Worfolk, Plotkin, Ravid-Rabinovitz, and Aaronson :
Application No.: 10/056,178 :
Filed: January 22, 2002 :
Attorney Docket No: CALY-012 CIP :
For: MULTI-PATH ROUTING DYNAMIC ALGORITHM :

OFFICE OF PETITIONS

DECISION ACCORDING
STATUS UNDER RULE
47(a)

This is in response to the renewed petition under 37 CFR 1.47(a), filed March 11, 2003, and a response to the petition under 37 CFR 1.137(a).

The petition under 37 CFR 1.47(a) is **GRANTED**.

The petition under 37 CFR 1.137(a) is **MOOT**.

TREATMENT UNDER 37 CFR 1.47(a)

The above-cited application was filed without a properly executed oath or declaration. A "Notice to File Missing Parts of Nonprovisional Application ("Notice") was mailed on February 28, 2002, which indicated that a proper declaration under 37 CFR 1.63 was missing. The Notice set forth a shortened period for reply of two months from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136(a). The instant petition was filed on August 19, 2002, and an four month extension of time obtained.

Petitioner has established that the non-signing inventor was presented with a complete copy of the application papers, but has constructively refused to join the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

TREATMENT UNDER 37 CFR 1.137(a)

The decision of January 7, 2003, dismissing the petition under 37 CFR 1.47(a) filed August 19, 2002, allowed a two month period (beginning from the mailing date of the dismissal decision) during which petitioner could file a renewed petition. The instant renewed petition was filed on March 11, 2003, with a certificate of mailing dated March 6, 2003.

The instant renewed petition was timely filed and has been granted; it, therefore, represents a proper

response to the Notice. There is, therefore, no remedy that could be provided by a petition under 37 CFR 1.137(a) as the application is not abandoned. The petition under 37 CFR 1.137(a) is rendered moot accordingly.

This application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to the undersigned at (703) 305-0010.



Kenya A. McLaughlin
Petitions Attorney
Office of Petitions